

**BOARD OF APPEALS CASE NO. 5111**

\*

**BEFORE THE**

**APPLICANTS: Mr. & Mrs. Roland Savage**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition  
within the required rear yard setback;  
222 East Ring Factory Road, Bel Air**

\*

**OF HARFORD COUNTY**

\*

**Hearing Advertised**

\*

**Aegis: 12/20/00 & 12/27/00**

**HEARING DATE: January 24, 2001**

**Record: 12/22/00 & 12/29/00**

\*

\* \* \* \* \*

## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Roland and Maureen Savage, are requesting a variance pursuant to Section 267-36B, Table IV, of the Harford County Code, to construct an addition within the required 50 foot rear yard setback (38 feet proposed) in an R1/Urban Residential District.

The subject property is located at 222 East Ring Factory Road, Bel Air, Maryland 21014, within the Worthington Heights subdivision. The parcel is more particularly identified on Tax Map 49, Grid 3d, Parcel 787, Lot 9. The parcel consists of 0.524 acres, is zoned R1/Urban Residential and is entirely within the Third Election District.

The Applicant, Mr. Savage, appeared and testified that he intends to construct an enclosed sunroom over an existing deck. The witness indicated that he has lived at the subject address for 22 years and the deck was there when he purchased the home. The enclosure will be built exactly where the existing deck is now located. He stated further that the house is a corner lot and subject to two (2) front yards. Because of the configuration of house and lot, there is no other practical location for the enclosure. The witness stated that he has spoken to the surrounding neighbors and nobody that he spoke with expressed any objections to the proposed sunroom. The witness did not believe his sunroom was any different or would have any different or greater impacts than other, similar sunrooms located in the area. There were no protestants who appeared in opposition to the request.

## **Case No. 5111 – Mr. & Mrs. Roland Savage**

The Department of Planning and Zoning has recommended approval of the request finding that, “There are presently mature trees and shrubbery between the proposed enclosure and existing dwelling. There still be approximately 70 feet between these dwellings. The request, if granted, should not have an adverse impact on the adjacent property or the intent of the Code.”

### **CONCLUSION:**

The Applicant is seeking to locate an enclosed sunroom within the 50 foot setback required by Harford County Code Section 267-36B, Table IV (50 feet required, 38 feet requested).

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Maryland Court of Special Appeals has provided guidance in matters of variance requests and described a two step analysis in determining whether such requests should be granted. According to the guidance provided by the Court, the variance process is a two step sequential process:

1. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is, in and of itself, unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness or peculiarity of the property causes the zoning provision to impact disproportionately upon the property. If this finding cannot be made, the process stops and the variance must be denied. If, however, the first step results in a supportive finding of uniqueness or unusualness, then the second step in the process is taken.

## **Case No. 5111 – Mr. & Mrs. Roland Savage**

2. The second step is a demonstration whether unreasonable hardship (or practical difficulty) results from the disproportionate impact of the ordinance caused by the property's uniqueness exists." Cromwell v. Ward, 102 Md. App. 691 (1995).

The Hearing Examiner finds that the facts presented by the Applicant and the Department of Planning and Zoning satisfies the test laid down in Cromwell, supra. The property is unique based on its corner configuration and resulting dual front yard. Because of this configuration, there is no other practical location for the sunroom. Moreover, the deck has been there for 22 years without any known adverse impacts. An approval will not materially impair the purposes of the Code.

The Hearing Examiner recommends approval subject to the Applicant obtaining any and all necessary permits and inspections.

Date     FEBRUARY 12, 2001

William F. Casey  
Zoning Hearing Examiner